

**ST. IGNACE CODE
PEDDLERS AND SOLICITORS**

**ARTICLE I. IN GENERAL Sec. 22-1.
Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Helper means any person who engages in the business of peddler by accompanying another peddler as a helper or assistant. If two or more persons are associated in the business of peddler but go about their business separately from place to place within the city, they shall each be deemed an independent peddler for purposes of this chapter.

Peddler, also known as a "transient trader," means any person who solicits, sells or peddles from a temporary sales structure, or who travels by foot, wagon, vehicle, or any other type of conveyance, from place to place, from street to street, or from person to person, carrying, conveying or transporting goods or services, wares, merchandise, meats, fish, fruits, vegetables or foodstuff, offering and exposing the same for sale, or making sales or delivering articles to customers; or who, without going from place to place, sells or offers the same for sale from a wagon, vehicle, railroad car, or other conveyance; or who solicits orders and as a separate transaction makes deliveries to purchasers, or causes such deliveries to be made at a future time.

Vendor, any person who sells from a temporary sales structure during a special event.
(Comp. Ords. 1987, § 20.352)

Sec. 22-2. Exemptions.

(a) It is the intent of this chapter that the following persons shall not be deemed peddlers for purposes of this chapter, and shall not be subject to regulations hereunder:

- (1) Any person working as a route salesman, on a fixed route with regular periodic deliveries or visits, and who does not call on persons or places not already established as customers.
- (2) Any person engaged exclusively in wholesale sales to retail merchants.
- (3) Any person engaged in peddling on behalf of a school or recognized charitable or religious organization; said organization to produce evidence of nonprofit status through a federal nonprofit Internal Revenue Service identification number or any other verifiable proof of nonprofit status, and who is receiving

no financial or material compensation for such work.

(b) However, the city clerk shall, with the cooperation of the exempted person, issue a license and badge to such person without charge for a period not to extend beyond December 31 of the year in which they are issued.

(Comp. Ords. 1987, § 20.356)

Sec. 22-3. Loud noises and speaking devices.

No peddler, nor any person in his behalf, shall shout, make any cryout, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound amplifying system upon any of the streets, alley, parks or other public places of said city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

(Comp. Ords. 1987, § 20.363)

Sec. 22-4. Use of streets.

(a) No peddler shall have any exclusive right to any location in the public streets, nor shall he be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. Special events organizations may obtain use of public property by approval of the city council and other authorizing agencies during the term of the event.

22-5. Conduct.

No person engaged in the business of peddling shall conduct himself toward the public or any individual person in such a manner as to be offensive, disorderly or rude. No person engaged in the business of peddling shall enter or remain on any property or premises, contrary to the request of the owner or occupant thereof.

(Comp. Ords. 1987, § 20.365)

Sec. 22-6. Daylight hours only.

Peddlers in the city shall limit their business operations to daylight hours. No person shall engage himself in the business of peddling from one hour before sunset until one hour after sunrise.

(Comp. Ords. 1987, § 20.366)

Sec. 22-7. Duty of police to enforce.

It shall be the duty of any police officer of the city to require any person seen peddling, and who is not known by such officer to be duly licensed, to produce his peddler's license, and to enforce the provisions of this chapter against any person found to be violating the same.
(Comp. Ords. 1987, § 20.367)

Sec. 22-8. Records.

The chief of police shall report to the city clerk all convictions for violation of this chapter and the city clerk shall maintain a record for each license issued and record the reports of violations therein. (Comp. Ords. 1987, § 20.368)

Sec. 22-9. Violation and penalty.

Any person violating any of the provisions of this chapter shall be guilty of a municipal civil infraction. (Comp. Ords. 1987, § 20.372)

Secs. 22-10—22-30. Reserved.

ARTICLE II. LICENSE

Sec. 22-31. License required.

(a) *Generally.* It shall be the unlawful for any person to engage in the business of peddler, as an independent peddler or helper as defined in section 22-1, without first obtaining a license as provided herein for the period during which he plans to conduct his business. No such license shall be issued or become effective until seven business days (excluding Sundays and holidays) have elapsed from time of application therefor.

(b) *Areas prohibited.*: No peddler shall be allowed to locate or operate in the GBD (general business district) or the CBD (central business district), as defined in the zoning regulations set out in chapter 38, with exception of special events by special events organizations as defined in this chapter.
(Comp. Ords. 1987, § 20.353)

Sec. 22-32. Special events and special events organization.

(a) Special events organizations are those groups or organizations that are determined by resolution of the city council to be organized as such. The minimum criteria that the special events organization shall meet prior to the approving resolution of the city council are:

- (1) The city council shall determine that the special

events is in the public interest;

- (2) The city council shall determine that allowing of vending during the special event is in the public interest;
- (3) The special event organization may be a profit or nonprofit organization which the city council recognizes as a legal entity;
- (4) The city council shall determine that the special event shall be organized as such for convenience and be necessary for the betterment of the general public;
- (5) Any other criteria that the city council may wish to establish;

(b) Special Event organizations are required to complete and submit an application to the City of St. Ignace at least 30 days before the start of the Special Event.

(c) The Special Event Organization must provide proof of General Liability Insurance (amount to be determined by City's Insurance agent) naming City of St. Ignace as additional insured.

(d) The Special Event Organization is required to reimburse all City expenses incurred as a result of the event. Reimbursements collected by the City of St. Ignace shall be used to defray the cost of the special event. (Comp. Ords. 1987, § 20.359)

(e) The special event organization shall provide a list of the event's vendors and no later than 5 working days prior to the event.

(f) The Special Event Organization must provide a letter from property owners permitting vendors the use of property not owned by City.

(g) The Special Event Organization must provide a site plan for all public & private properties used by each vendor during the special event, including vendor's name & goods to be sold. Said site plan shall be provided to the City Clerk Office no later than 72 hours prior to the event. (Comp. Ords. 1987, § 20.364)

(h) Vendors who will be selling food, beverages, meats, fruits, vegetables and foodstuff are required to meet all local health department regulations.

(i) The City of St. Ignace shall be allowed to determine which vendors may participate in the event and shall regulate same, subject to the conditions specified in Chapter 22 of St. Ignace Code. (Comp. Ords. 1987, §

.376)

Sec. 22-33. Interstate commerce.

Any person engaged in the business of peddler in interstate commerce may be exempted from the payment of fees for licenses issued hereunder after establishing the character of his business to the satisfaction of the city clerk. Any such person shall submit a completed application and pay the application processing fee as required in section 22-35, shall obtain a license and badge before engaging in business, and shall be subject to all other provisions of this chapter. (Comp. Ords. 1987, § 20.354)

Sec. 22-34. Bond requirement.

Any person engaged in the business of peddler, as an independent peddler or helper as defined in section 22-1, shall post a surety bond or cash bond with the city clerk at the time of making application for a license. Such bond shall be in the amount as currently established or as hereafter adopted by resolution of the city council from time to time, and conditioned upon the faithful observance by the licensee of all provisions of this chapter. Any person aggrieved by the action of said licensee shall have a right of action on said bond for the recovery of money or damages, or both. Said bond shall be retained by the city for a period of 90 days after the expiration of said license, or until after the settlement of any claim on said bond submitted in writing to the city clerk before the end of said 90-day period. Bond requirement may be waived contingent upon applicant producing three letters of recommendations from reliable property owners in the city, plus a letter from the city attorney, certifying as to the applicant's good character and business responsibility. (Comp. Ords. 1987, § 20.355)

Sec. 22-35. Application.

(a) Before any person shall be issued a license for peddling as required herein, he shall first file with the city clerk a sworn application in writing, on a form provided by the city clerk, which shall include at least the following information:

- (1) Name and date of birth of applicant;
- (2) Applicant's legal and local address;
- (3) A description of the nature of the applicant's

business and goods to be sold, the origin of the goods, and the method of making sales;

- (4) Name and address of the applicant's employer; and if a corporation, whether it is registered to do business in the state;
- (5) The applicant's driver's license number;
- (6) The license number and description of the applicant's vehicle;
- (7) The length of time for which the right to do business is desired;
- (8) Two photographs of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which pictures shall be two inches by two inches (approximately), showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (9) The fingerprints of the applicant and names of at least two reliable property owners of the county who will certify as to the applicant's good character and business responsibility; or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
- (10) A statement as to whether or not the applicant has been convicted of any crime, felony, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor;
- (11) A statement by a reputable physician of the city dated not more than ten days prior to submission of the application, certifying the applicant to be free from infections, contagious or communicable disease. The physician's statement is required from only those vendors and peddlers who will be peddling food, beverages, meats, fruits, vegetables and foodstuffs;
- (12) A statement from the property owner of record indicating that permission has been given the peddler to do business upon said property owner's property and the dates and length of time permission has been granted.

(b) At the time of filing the application, a processing fee shall be paid by the applicant to the city clerk to cover the cost of administration and investigation.

(Comp. Ords. 1987, § 20.360)

Sec. 22-36. Investigation and issuance.

(a) Upon receipt of such application, it shall be referred to the chief of police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. The standards for good moral character shall be as determined under Public Act No. 381 of 1974 (MCL 338.41 et seq.).

(b) If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application his disapproval and his reasons for the same, and return the application to the city clerk, who shall notify the applicant that his application is disapproved and that no license will be issued.

(c) If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application his approval, and return said application to the city clerk, who shall, upon payment of the prescribed license fee, deliver to the applicant his license. Such license shall contain the signature of the city clerk, the name, address and photograph of the licensee, the kind of goods to be sold and the method of making sales thereunder, the date of issuance and the date of expiration, and the license number. The city clerk shall keep a permanent record of all licenses issued.
(Comp. Ords. 1987, § 20.358)

Sec. 22-37. Fees.

(a) The fees for Peddler's licenses as required herein shall be as currently established or as hereafter adopted by resolution of the city council from time to time. Comp. Ords. 1987, § 20.359)

Sec. 22-38. Badges.

The city clerk shall issue to each licensee, at the time of delivery of his license, a badge. Such badge shall bear the words "LICENSED PEDDLER No. _____," the period for which the license is issued, the number of the license and a statement to the effect that the license must be presented upon a citizen's request. Such badge shall be worn by the licensee at all times on the front of his hat or on the chest of his outer garment in such a way as to be conspicuous during such time as said licensee is engaged in peddling.

Sec. 22-39. Exhibition of license.

It shall be the duty of every person actively engaged in the business of peddler to carry his license on his person at all times, and to exhibit his license at the request of any citizen, and to allow such citizen a reasonable period of time in which to inspect such license.

(Comp. Ords. 1987, § 20.361)

Sec. 22-40. Nontransferability.

No license or badge issued under the provisions of this chapter shall be used or worn at any time by any person other than the one to whom it was issued.

(Comp. Ords. 1987, § 20.362)

Sec. 22-41. Suspension and revocation of licenses.

Any license granted under the terms of this chapter may be suspended by the chief of police, or revoked by the city council, for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for license;
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on his business as peddler;
- (3) Any violation of this chapter;
- (4) Conviction of any crime or misdemeanor involving moral turpitude;
- (5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(Comp. Ords. 1987, § 20.369)

Sec. 22-42. Appeal.

Any person aggrieved by the action of the chief of police or the city clerk in the denial of an application for license as provided in section 22- 36, or in the decision with reference to the suspension or revocation of a license as provided in section 22-41, shall have the right to appeal to the city council. Such appeal shall be taken by filing with the council, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on such appeal and ten days' notice of such hearing shall be given to the appellant. The decision and order of the council on such appeal shall be final and conclusive.

(Comp. Ords. 1987, § 20.370)

Sec. 22-43. Expiration of license.

All annual licenses issued under the provisions of this chapter shall expire on December 31 in the year in which issued. Licenses other than annual licenses shall expire on the date specified in the license.

(Comp. Ords. 1987, § 20.371)

INTRODUCED: February 3, 2014

ADOPTED: March 17, 2014

PUBLISHED: March 26, 2014

EFFECTIVE: April 5, 2014